

AKIVA AVIKADA ISRAEL BJ0177  
Arrest and Prisoner Booking Number

MULE CREEK STATE PRISON  
Place of Confinement

BIO-246L, P.O. Box 409040  
Mailing Address

Ione, CA 95640, Amador County  
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**FILED**

**Dec 29, 2021**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

AKIVA AVIKADA ISRAEL, ET AL  
(Full Name of Plaintiff)

Plaintiff,

v.

CASE NO. 2:22-cv-0005-DB (PC)

(To be supplied by the Clerk)

(1) GAVIN C. NEWSOME  
(Full Name of Defendant)

(2) KATHLEEN ALLISON

(3) HOWARD MOSELEY

(4) PATRICK COVELLO

Defendant(s).

CIVIL RIGHTS COMPLAINT  
BY A PRISONER

☒ Original Complaint

☐ First Amended Complaint

☐ Second Amended Complaint

☒ Check if there are additional Defendants and attach page 1-A listing them

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

☐ Other: \_\_\_\_\_

2. Institution/city where violation occurred: MULE CREEK STATE PRISON / Ione.

- 1 5. BRIAN HOLMES
- 2 6. DAMON HUBER
- 3 7. BRETT STACY
- 4 8. JEAN WEISS
- 5 9. ERIC HOBBS
- 6 10. KEITH RODGERS
- 7 11. LANCE ESHELMAN
- 8 12. CANDACE CLEVENGER
- 9 13. B. LOUIE
- 10 14. WALTERS
- 11 15. P. GANN
- 12 16. ZIRZOW
- 13 17. J. PADILLA
- 14 18. JOSHUA BORDEWICK
- 15 19. J. KEENAN
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### B. DEFENDANTS

1. Name of first Defendant: GAVIN C. NEWSOM. The first Defendant is employed as:  
Governor of California at The State of California.  
(Position and Title) (Institution)
2. Name of second Defendant: KATHLEEN ALLISON. The second Defendant is employed as:  
Secretary of C.D.C.R. at C.D.C.R.  
(Position and Title) (Institution)
3. Name of third Defendant: Howard MOSELEY. The third Defendant is employed as:  
Associate Director / Chief of staff at C.D.C.R.  
(Position and Title) (Institution)
4. Name of fourth Defendant: PATRICK COVELLO. The fourth Defendant is employed as:  
Warden at M.C.S.P.  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

### C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☒ Yes ☐ No
2. If yes, how many lawsuits have you filed? 6. Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: AKIVA AVIRADA ISRAEL v. K. GIBBS, ET AL.
    2. Court and case number: 2:21-cv-02129-AC
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?)  
PENDING
  - b. Second prior lawsuit:
    1. Parties: AKIVA A. ISRAEL v. RUBY CARTER, ET AL.
    2. Court and case number: 2:21-cv-1267 KJN
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?)  
PENDING
  - c. Third prior lawsuit:
    1. Parties: AKIVA AVIRADA ISRAEL v. S. GILES
    2. Court and case number: 2:21-cv-1027-DAC-P
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?)  
PENDING

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

5. BRYAN HOLMES, CHIEF DEPUTY WARDEN, MCSP.
6. DAMON HUBER, ASSOCIATE WARDEN PROGRAM AND HOUSING FACILITIES A, B AND C, MCSP.
7. BRETT STACY, ASSOCIATE WARDEN HEALTH CARE OPERATIONS, MCSP.
8. JEAN WEISS, ASSOCIATE WARDEN BUSINESS SERVICES, MCSP.
9. ERIC HOBBS, FACILITY "A" CAPTAIN, MCSP.
10. KEITH ROEBERG, FACILITY "B" CAPTAIN, MCSP.
11. LANCE ESHELMAN, COMMUNITY RESOURCES MANAGER, MCSP.
12. CANDACE CLEVENGER, CREEKSIDE ADULT SCHOOL PRINCIPAL, MCSP.
13. B. LOUIE, SERGEANT, MCSP.
14. WALTERS, SERGEANT, MCSP.
15. P. GANN, CORRECTIONAL OFFICER, MCSP.
16. ZIRZOW, CORRECTIONAL OFFICER, MCSP.
17. J. PADILLA, CORRECTIONAL OFFICER, MCSP.
18. JOSHUA BORDEWICK, SERGEANT, MCSP.
19. J. KEENAN, C/O, MCSP

### C. PREVIOUS LITIGATION

- (d) 1. AKIVA ISRAEL v. Shmary, et al.
2. 2:21-cv-00262-EFB
3. Pending

- (e) 1. AKIVA ISRAEL v. Tillery, et al.
2. 21-JC-3927
3. Pending

- (f) 1. AKIVA ISRAEL v. WOODALL, et al.
2. 20-JC-03806
3. Dismissed without prejudice

## D. CAUSE OF ACTION

## CLAIM I

1. State the constitutional or other federal civil right that was violated: 8<sup>th</sup> Amendment  
(U.S. Constitution)
2. Claim I. Identify the issue involved. Check only one. State additional issues in separate claims.
- |   |   |   |                                       |
|---|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities                        | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings                 | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input checked="" type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |
3. Supporting Facts. State as briefly as possible the FACTS supporting Claim I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments. PARAGRAPH 1:  
On 4-30-21, I was ordered to report to R&R (the Receiving and Release Department) to retrieve PACKAGE # LY8EZ. At R&R, Package and departmental peace officer J. PADILLA stated to me: "Seems like last year my department allowed you to have this shit." PADILLA referred to PACKAGE # 3386028. J. PADILLA continued: "I also see that you put in paperwork on my department, so I'm gonna keep some of your shit, MISTER ISRAEL." J. PADILLA referred to Grievance # 28579, and SMALL CLAIMS Case No. 21SC3883. I replied calmly: "I will 602 this. You're retaliating against me and stealing my property. I'm female, my pronouns are SHE and HER. I'm Miss Israel. Please respect that." J. PADILLA proceeded to coerce me to sign my property card and receipt, stating: "Sign it, MISTER ISRAEL, or I'll donate the rest of your package." Under duress, I complied. He then stated: "Listen, dude, I'm in the right about this. Take what you got and leave. OR I'll donate your ass." I immediately filed Grievance # 113888, wherein I stated: "J. PADILLA inflicted over \$ 80.00 in
4. Injury. State how you were injured by the actions or inactions of the Defendant(s).  
Bodily injury and resulting pain and suffering, including disability to eyes as well as mental anguish experienced in the past, at present and to be experienced in the future.
5. Administrative Remedies:
- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution?  
☒ Yes ☐ No
  - Did you submit a request for administrative relief on Claim I?  
☒ Yes ☐ No
  - Did you appeal your request for relief on Claim I to the highest level?  
☒ Yes ☐ No
  - If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. N/A

~~XXXX~~  
 1 damages, and... threatened me with violence... namely rape."  
 2 I reported the foregoing to fellow LGBTQ+ inmates,  
 3 each of whom told me to expect retaliation. R&R  
 4 officers are known in the community for malicious  
 5 retaliatory practices in response to grievances  
 6 alleging sexual abuse by their officers.<sup>PR</sup> On Friday,  
 7 May 07, 2021, I expressed safety concerns to C/O  
 8 C. In response, I was cuffed and caged in  
 9 the Program Office on Alpha Yard. Sergeant B. LOUIE  
 10 proceeded to interrogate me regarding my safety  
 11 concerns. I requested my hearing aids, but LOUIE  
 12 denied this request, stating: "Israel, I don't give  
 13 a fuck about your disability. Answer my questions."  
 14 I could NOT establish effective communication with  
 15 LOUIE owing to his refusal to retrieve said medical  
 16 devices. My breathing became increasingly labored  
 17 as I suffer from asthma, and required my  
 18 medically assigned inhalers. Owing to asthmatic  
 19 complications, I urgently requested said inhalers  
 20 but, in response, LOUIE laughed, stating: "Israel,  
 21 Don't be a pussy. Answer my questions." I never  
 22 received my hearing aids or the inhalers. LOUIE  
 23 did state to me, "You fuck with PADILLA, you  
 24 fuck with me." Again, I communicated my  
 25 safety concerns but officer P. GANN, also  
 26 in attendance, laughed loudly, louder than LOUIE  
 27 and taunted me, stating: "You like getting  
 28 raped, Israel so what's the problem."



P3:

1 To clarify, I expressed NO safety concerns at this time re-  
 2 garding the population on Alpha Yard, only those on Bravo and  
 3 Charlie Yards. After sustained threats, intimidation, and/or  
 4 coercion by said staff against my person, I began to re-  
 5 frain from requesting reasonable accommodations, even  
 6 though I did (and continue to) suffer from medically  
 7 documented physical as well as mental disabilities, all while  
 8 I did NOT pose ANY imminent threat to the safety of staff  
 9 or inmates; hence, I NEVER received a IIS RVR by  
 10 said staff concerning the foregoing events. Further-  
 11 more, the aforesaid denial of reasonable accommodations  
 12 was NOT necessary for the performance of any legitimate  
 13 penological duty. P4: Ultimately, for retaliatory motives,  
 14 B. LOUIE ordered me consigned to Administrative  
 15 Segregation (ASU) for officially non-disciplinary  
 16 reasons on that Friday, May 07, 2021. Prior to the  
 17 above-mentioned order, due to the trauma-triggering  
 18 behaviors of said staff, I did suffer a trauma  
 19 dissociation reaction (TDR), so described by  
 20 Senior Social Worker GEORGE MITCHELL on 8-23-21  
 21 at approx. 04:15 PM PDT and so recorded per the  
 22 electronically archived MHPC Consult Progress Note,  
 23 in which I fell to the floor and "blacked out"  
 24 while handcuffed. During said (TDR), I did NOT  
 25 experience full loss of, and/or disruption to,  
 26 standard-operating conscious awareness of  
 27 either Self or ~~my~~ surroundings. I was until in  
 28 the Program Office on Alpha Yard, and I did

1 remain aware of being so situated. During the  
2 (TDR), a state of deep mental crisis, B. LOUIE  
3 ordered an as-yet-unidentified correctional officer  
4 to kick me in the head, meanwhile said staff  
5 laughed and LOUIE stated: "Wake that bitch up!"  
6 P5: Upon arrival to the Ad-Seg Unit, Sgt. WALTERS  
7 ordered as yet-to-be identified male officers to forcibly  
8 strip me and slam me onto the concrete ground violently.  
9 During said assault, I was (and still am) a medically  
10 documented transgender FEMALE inmate whose  
11 search protocol states I "shall" be stripped and/or searched  
12 by female custody-staff only. Said protocol is documented  
13 by Captain ARTHUR AVALOS, currently Facility "E"  
14 Captain, certified by CCI ARTEAGA, and is mandated  
15 by SB 132, which Governor NEWSOM signed into law  
16 prior to the above-detailed events. Eventually, Sgt.  
17 WALTERS ordered her subordinate officers to throw  
18 me into a cell "like garbage." Again, I landed violently  
19 on my buttocks and experienced extraordinary  
20 pain, given I had been slammed onto concrete  
21 from a considerable distance, in conjunction  
22 with vigorous force. Then, the door slammed shut,  
23 and I was ordered to place my handcuffed hands  
24 through the food port. I willingly and peacefully, de-  
25 spite ~~proof~~ profound pain, complied, at which point  
26 WALTERS ordered a yet-to-be-identified male  
27 officer to lift me by the handcuffs. Torrential  
28 laughter ensued, and my feet lost contact with the



1 ground, as I was dangled in the air by the handcuffs for  
 2 a prolonged period of time. Furthermore, amid the sadistic  
 3 laughter of WALTERS, I heard her state: "dangle him  
 4 like a pig on a stick." Immediately, my wrists, hands,  
 5 forearms, and fingers experienced jolts of agony I  
 6 have never experienced before and I have yet to  
 7 experience again. In fear for my life, I yelled  
 8 desperately for help, and received no help. PG:  
 9 Before, during and after said assault, I did NOT  
 10 resist the officers; moreover, I never demonstrated  
 11 any violent or hostile behavior toward the staff involved  
 12 in these sadistic acts & anti-LGBTQ+ actions of  
 13 excessive force, cruel and unusual punishment, and  
 14 retaliatory torture. I dangled in the air, with the full  
 15 force of my body acting against my wrists/hands/  
 16 forearms, and during the aforementioned instance of  
 17 exceptionally excruciating agony, WALTERS — including  
 18 the yet-unidentified male officers, proceeded to taunt  
 19 me with various malicious remarks, each indicative  
 20 of homophobic, transphobic, anti-semitic and racist  
 21 consciousness, including (but NOT limited to) the  
 22 following hate-speech: "tranny bitch," "faggot,"  
 23 "shim," "Marilyn MAN-roe," etc. WALTERS next  
 24 ordered: "Apply more force," at which point, I was  
 25 dropped onto concrete at various times. I was lifted up  
 26 again, by augmenting force, equally vigorous violence, and  
 27 slammed onto concrete again and again and again. I yelled  
 28 at the top of my lungs, begging them to stop & that

1 I feel my limbs fracturing. In response, said staff did not  
 2 stop and continued to laugh, smile, crack jokes, giggle & berate  
 3 me with the foulest language, like: "dick-sucking Jew,  
 4 go figure, with 'BT' in his damn number!" P2: Ultimately,  
 5 after a prolonged passage of time, the handcuffs were re-  
 6 moved, at which point — given the time of day — I asked  
 7 said staff when may I expect my evening Kosher meal.  
 8 WALTERS answered: "Feeding time is tomorrow morning."  
 9 I never received my evening Kosher meal or ANY  
 10 food that Sabbath. Furthermore, I proceeded to ask  
 11 said staff to please give me a shower, clean linens, and  
 12 cleaning supplies to decontaminate my person & cell  
 13 from chemical agents to which I had been exposed  
 14 in the Program Office. WALTERS stated to me:  
 15 "You won't get shit from us" and walked away.  
 16 At no point, during the foregoing events, did I resist  
 17 or engage in any behaviors that threatened order or  
 18 security. At all times, during said events, there were  
 19 no crisis circumstances that necessitated the  
 20 use of force in a good faith effort to maintain  
 21 order or ~~order~~ security, but was applied maliciously  
 22 and/or sadistically for the consistent purpose  
 23 (or evil motive) of causing me remarkable  
 24 harm. Based on information and belief, the foregoing  
 25 physical abuse and retaliation I suffered and continue to  
 26 suffer, as a disabled inmate who complains about the  
 27 facility is systemic, widespread, and culturally tolerated.  
 28 In my possession, are over 101 sworn declarations from

inmates that show MCSP Staff routinely use unnecessary and excessive ~~force~~ force against people with disabilities, particularly those who openly identify as transgender and/or gay, often resulting in broken bones, severe emotional distress, loss of consciousness, stitches or injuries that require medical attention. Widespread physical abuse of LGBTQ+ inmates at MCSP continues; the Forayna account, therefore, is NOT an isolated and/or anomalous incident. LGBTQ+ inmates with certain disabilities (mobility, hearing, speech, vision, kidney, and learning) are being victimized by staff at MCSP with augmenting vigor and CDCR's overall performance in investigating allegations thereof is "poor," and that this is consistent with the data published by the Office of the Inspector General (OIG), which shows that a significant percentage of CDCR's investigations of serious allegations of staff misconduct involving inmates are inadequate. Similarly, based on substantial information, MCSP's system for investigating allegations of staff misconduct, particularly cases involving LGBTQ+ people with disabilities, is **FLAWED and INEFFECTIVE**. Due to injuries to buttocks, Dr. MATHARU ~~prescribed~~ <sup>prescribed</sup> me incontinence supplies for the rest of my natural life.

## CLAIM II

1. State the constitutional or other federal civil right that was violated: 8<sup>TH</sup> Amendment right to Be Free from Deliberate Indifference to serious Medical Need

2. Claim II. Identify the issue involved. Check only one. State additional issues in separate claims.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion   | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>Deliberate Indifference to serious Medical Need</u> |                                       |

3. Supporting Facts: State as briefly as possible the FACTS supporting Claim II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments. Paragraph 9

Plaintiffs incorporate by reference the factual allegations in paragraphs 1-9, inclusive. On or around 5-9-21, yet-to-be identified correctional officers deployed multiple expulsion grenades at a yet-to-be-named A-yard inmate to whom I was exposed while I was cuffed and caged in the Facility "A" Program Office. I was, consequently, exposed to a chemical agent from head to foot, given my then proximity and the volume of dispersed chemical agent. I asked Sgt. B. LOUIE as well as C/O P. GANN for a shower, clean linens and to be evaluated by medical staff. LOUIE and GANN denied the aforementioned requests, stating that they first had to complete the reporting regarding various incidents, among which the incident that led to the use of the grenade was included. Because LOUIE and GANN denied the above-mentioned requests, I did NOT receive a shower until 27 or 29 hours after the incident, and I was NOT given clean linens for almost 3 days. As a result during that period, I continued to burn from exposure to the chemical agent, especially my eyes. Upon my placement in the Ad-Seg Unit, I also asked Sergeants WALTERS & JOSHUA BORDEWICK to give me a shower, clean linens and

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

Physical pain (including to wrists, forearm, buttocks, eyes and hands), resulting mental anguish, fright & shock, as well as embarrassment, humiliation, and mortification.

5. Administrative Remedies.

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Claim II? ☒ Yes ☐ No
- Did you appeal your request for relief on Claim II to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. N/A



Paragraph 10

1 cleaning supplies so that I could immediately proceed to  
 2 decontaminate my cell, ~~within~~ for upon placement  
 3 into the Ad-Neg Cell, the chemical agent had spread  
 4 to the unit, causing contamination. Said incident is NOT an  
 5 isolated event. on 2-21-21, I was quarantined on the basis I  
 6 had never tested positive for COVID-19, in a building with people who  
 7 were positive for said virus and housed in a cell that was  
 8 never properly decontaminated after housing inmates infected with  
 9 the novel coronavirus. Custody refused to issue me clean  
 10 linens or cleaning supplies to decontaminate the filthy  
 11 cell. I was denied my Kosher meal on 2.21.21 in violation of  
 12 RLUIPA, denied any & all access to Mental Health staff on 2  
 13 2.20 & 2.21, when enforced extraction occurred to said  
 14 quarantine-zone. During this quarantine, I was denied  
 15 medication without reason, deprived of confidential  
 16 clinical setting for mental health & medical  
 17 sessions/evaluation, exposed to life-threatening  
 18 infection, custody used active trash cans to store  
 19 food trays and within these vessels were biologically  
 20 hazardous materials and staff displayed deliberate  
 21 indifference to the foregoing, with sadistic  
 22 & malicious intent. custody staff refused to don  
 23 full PPE while inside of Medical CTQ buildings, refused  
 24 to wear N-95 masks, face shields, gowns & gloves  
 25 while issuing ISSs for inmates who did likewise  
 26 utter discrimination. inmates died at this time  
 27 due to complications from the coronavirus while  
 28 in custody of this facility.

4A

## CLAIM III

1. State the constitutional or other federal civil right that was violated: the federal Prison Rape Elimination Act of 2003 (PREA) & the National PREA Standards
2. Claim III. Identify the issue involved. Check only one. State additional issues in separate claims.
- |  |  |   |                                       |
|--|--|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail                        | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property                    | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input checked="" type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |
3. Supporting Facts. State as briefly as possible the FACTS supporting Claim III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.
- Plaintiffs incorporate by reference the allegations in paragraphs 1-10, inclusive. Paragraph 11:
- I'm transgender; transgender people are at a higher risk of physical and sexual violence in CDCR compared to the general prison population, as detailed in a report entitled: "An End to Silence," and released by the American University Washington College of Law, whose project on addressing prison rape was supported by Grant No. 2010-RP-BX-K001, awarded by the Bureau of Justice Assistance, a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics. From 1-1-20 to the present, custodial, medical and so-called "free" staff at MCSP ~~liberally, consistently, repeatedly, aggressively, and persistently sexually abuse and harass me, with sadistic and malicious intent, on account of at least 3 factors: (1) the sexual abuse enacts retaliation against me for filing grievances against said staff, while deterring and/or chilling other victims from reporting systemic staff misconduct at this institution (MCSP); (2) the sexual abuse/harassment stems from deep-rooted animus toward homosexual people whose gender is transgender-female, particularly of Jewish faith and especially those people of the aforementioned class who are open as well as unapologetic of their membership within aforesaid class; (3) the sexual abuse causes me serious harm, given my documented history of childhood sexual abuse in conjunction with the inherent harm entailed in such abuse entails, and that the foregoing satisfies the sadism and maliciousness of the perpetrators, including: Sgt. B. LOUIE, c/o P. GANN, c/o J. KEENAN, c/o THOIH, c/o WOODALL, Sgt. WALTERS, c/o ZIRZOW and their partners.~~
4. Injury. State how you were injured by the actions or inactions of the Defendant(s).
- On-going neuropsychological damage, including PTSD, MDD, protracted clinical anxiety, nightmares, insomnia, severe asthmatic exacerbations, suicidal ideation, on-going traumatic dissociation reactions, chronic migraines, depression and exacerbated chronic care conditions relating to schizophrenia.
5. Administrative Remedies.
- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
  - Did you submit a request for administrative relief on Claim III? ☒ Yes ☐ No
  - Did you appeal your request for relief on Claim III to the highest level? ☒ Yes ☐ No
  - If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. N/A

If you assert more than three Claims, answer the questions listed above for each additional Claim on a separate page.



1 The following incidents of protracted staff sexual misconduct against me are demonstrative, NOT  
 2 exhaustive. On 10-6-21, at noon or thereabout, Peace Officer J. KEENAN, a correctional employee at MCSP,  
 3 refused to use my correct female pronouns (a violation of DOM 54040.4.1), threatened my safety, and  
 4 sexually harassed me & failed to respond to acts and/or reports of sexual abuse. On above date, Dr. David  
 5 F. Ramos (~~Phys~~ Physician & Surgeon) and RN Samson ordered custody staff to wheelchair me to TTA as a  
 6 result of health complications arising from my-then active HUNGER STRIKE. J. KEENAN was assigned to wheel-  
 7 chair me back to the cell, at appointment's end. Exiting TTA alone with J. KEENAN, he proceeded to mis-  
 8 gender me, refused to give me his legal name (surname), no name-tag was ~~to~~ worn; & he threatened to  
 9 assault me ("Don't make me fuck you up where the sun don't shine," KEENAN stated to me. KEENAN proceeded  
 10 to laugh at his malicious & sadistic torment of me at a time of serious medical & mental health distress.  
 11 I explained the foregoing to KEENAN, including the fact that I'm a survivor of childhood sexual abuse  
 12 but he displayed continued ~~the~~ threats to my safety, of a ~~physically~~ sexual nature. Afraid for my safety  
 13 and suffering from severe dehydration as well as ~~sustenance~~-sustenance-deprivation in conjunction with  
 14 a significantly depressed blood ~~sugar sugar sugar sugar~~ sugar count, I stopped to catch my breath &  
 15 expressed serious PREA-safety concerns (of J. KEENAN) to a female member of staff in plain clothes  
 16 exiting TTA/CIC. She, consequently, rolled her eyes, giggled, refused to give me her name upon my repeated  
 17 polite request, failed to report PREA allegations to her supervisor, and let me alone with J. KEENAN.  
 18 Upon re-entering Facility B, J. KEENAN threatened to issue me a false and punitive/retaliatory RVR  
 19 (RULES VIOLATION REPORT), if a I filed a grievance concerning the aforementioned events. Inmate TIMOTHY  
 20 VASSAR (BL3324), a member of Yard Crew, witnessed KEENAN spew sexual & violent obscenities at me and that  
 21 I was consequently in a visible state of deep mental crisis. I reported the foregoing to Dr. Carlos Dreiss  
 22 during an emergency session and, ~~concerned~~ concerned for my safety, he <sup>did</sup> immediately contact supervisory  
 23 ~~staff~~ staff, to ensure ~~a~~ prompt investigation ~~of~~ of J. KEENAN and ensure separation between he & I.  
 24 Furthermore, given then-clinical complexity of my pain and suffering, I ~~was~~ reported the foregoing to  
 25 Dr. ~~R.~~ R. SHANDILYA (Psychiatrist), who then proceeded to modify my prescribed psychotropic medications  
 26 in ~~the~~ light of needless medical complications owing to J. KEENAN'S sexual terrorism.  
 27 During said events, I was tachycardic and borderline orthostatic, migraine, <sup>was</sup> hypoactive, <sup>had</sup> dizziness,  
 28 <sup>was</sup> fatigued, <sup>had</sup> depressed blood sugar, irregular hearbeat, significant weight loss, <sup>was</sup> ~~dehydrated~~ dehydrated,

1 dysthymic, clinically anxious, severe-depressed, air-hungry, suffering episodic heartburn, in addition  
 2 to gastroesophageal reflux disease, hyperlipidemia, in conjunction with preventable exacerbations to  
 3 to post-traumatic stress disorder, all this at a time when multiple members of medical staff advised  
 4 me that my life was "at risk of death" in light of then-current clinical context. Witness VASSAR  
 5 was interviewed by the LDI upon Dr. Dreiss' report of J. KEENAN'S sexual misconduct against me and  
 6 my filing Grievance # ~~a grievance for hi~~ which I have yet to receive a notice containing the assigned

7 Witness VASSAR stated to me that, during the PREA-interview, he ~~he~~ saw a large poster of me on the wall  
 8 in the 'B'-Program Office with black writing over my eyes stating: "TROUBLE MAKER". Dr. Dreiss and  
 9 Psychologist M. LOWRY both documented the above retaliatory/~~terroristic~~ terroristic eyewitness account  
 10 as contributory to my most recent attempt to die by suicide for which I was in-house hospitalized via  
 11 Crisis Bed placement. VASSAR, under penalty of perjury, stated in a written ~~decla~~ declaration that  
 12 he did see the above in person during the LDI-interview in B Program. Prior to the foregoing, on or  
 13 around 1-11-20, I experienced severe pain in my left lower abdomen. I ~~vomited~~ vomited bile,

14 ~~previously consumed food content~~  
 15 ~~previously~~ previously consumed food content, and the vomit also had blood in it. Upon a ~~superficial~~ cursory  
 16 medical evaluation, staff told me to "tough it out until morning," and did not provide me with any  
 17 medication. Ultimately, I was taken ~~to~~ to TTA for another medical evaluation during which  
 18 D. WOODALL and L. THOTH, both correctional ~~staff~~ staff, stated to me and medical ~~staff~~ staff that I //  
 19 "probably should have my prostate examined from getting fucked so many times," that I "probably got  
 20 too much cock, it's...her prostate, Doc," "check out her tranny ass," and "the bitch is fakin' it  
 21 to get a fix, fuck her" etc. I refused to return to TTA for fear of ~~encountering~~ encountering

22 seeing said officers again, reported the sexual harassment, intimidation and implied threats to  
 23 to Clinician JACQUES, filed Appeal: #MCSP-PREA-20-01-001 but said officers did not face any  
 24 disciplinary consequences from their sexual misconduct, as seems ~~appo~~ appropriate given their  
 25 widespread sexual abuse of Armstrong class members, which goes ~~unpunished~~ unpunished for which  
 26 deep fear has grown in the disabled ~~and~~ LGBTIQ-community at MCSP. I.S.U. Sgt. G. JONES misrepresented  
 27 material facts during the investigation into WOODALL and THOTH, going so far as to falsify legal  
 28 legal documentation for which I did file Grievance #132411 and AIMS Log# N-AIMS-MCSP-1353-21.

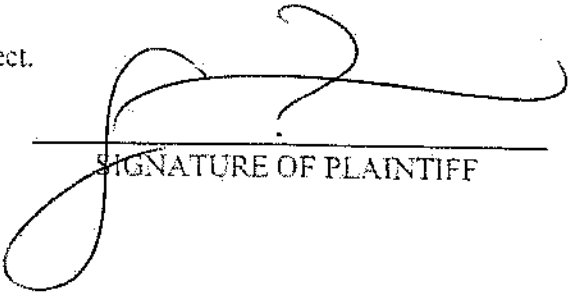
E. REQUEST FOR RELIEF

State the relief you are seeking:

WHEREFORE, Plaintiffs pray: 1. That the Court certify this action as a  
class action. 2. That the Court personally view the Mule Creek State  
Prison to gain assistance in rendering a ruling. 3. That the Court enter  
a judgment declaring that defendants, and each of them, through the  
individual and collective acts, practices, and omissions complained of  
herein, have subjected and are subjecting plaintiffs to: a. Summary  
punishment without due process of law in contravention of the Fifth &  
Fourteenth Amendments to the U.S. Constitution;

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 12-21-21  
DATE

  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint)

\_\_\_\_\_  
(Signature of attorney, if any)

\_\_\_\_\_  
(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

1           b. Denial of equal protection of law in contravention  
2 of 42 U.S.C. §1983 and the Fourteenth Amendment to the United  
3 States Constitution as enumerated in plaintiffs' ~~General~~ Claim  
4 for Relief;

5           c. Prejudice to fair trial in contravention of  
6 42 U.S.C. §1983 and the Fifth, Sixth, Seventh and Fourteenth  
7 Amendments to the United States Constitution as enumerated in  
8 plaintiffs' ~~General~~ Claim for Relief;

9           d. Denial of access to counsel and the Courts in  
10 contravention of 42 U.S.C. §1983 and the First, Fifth, Sixth  
11 and Fourteenth Amendments to the United States Constitution as  
12 enumerated in plaintiff's ~~Fourth~~ Claim for Relief;

13           e. Denial of Rights of Expression, Communication and  
14 Association in contravention of 42 U.S.C. §1983 and the First,  
15 Fourth and Fourteenth Amendments to the United States Consti-  
16 tution as enumerated in plaintiffs' ~~Fourth~~ Claim for Relief;

17           f. Denial of due process in disciplinary and  
18 classification proceedings in contravention of 42 U.S.C. §1983  
19 and the Fifth and Fourteenth Amendments to the United States  
20 Constitution as enumerated in plaintiffs' ~~Fourth~~ Claim for  
21 Relief;

22           g. Cruel and unusual punishment in contravention  
23 of 42 U.S.C. §1983 and the Eighth and Fourteenth Amendments to  
24 the United States Constitution as enumerated in plaintiffs's  
25 ~~Fourth~~ Claim for Relief;

26           h. Denials of adequate medical care in contravention  
27 of 42 U.S.C. §1983 and the Fourteenth Amendment to the United  
28 States Constitution as enumerated in plaintiffs' Eighth Claim

1 for Relief;

2 i. Violations of California Penal Code §§825, 4001  
3 4003, 4012, 4015, 4016.5, 4019.5(e), 4023, 4027, 6029.1, 6031.1,  
4 6031.1(c), Business and Professions Code §§2141, 2392 and 2726  
5 Health and Safety Code §11222 as enumerated in plaintiffs'  
6 ~~Written~~ Claim for Relief;

7 4. That the Court issue preliminary and permanent  
8 injunctions assuring that ~~prisoners~~ prisoners are accorded all  
9 of the rights and privileges of the innocent; and that all  
10 prisoners not be subjected to cruel and unusual punishment and  
11 not denied their other constitutional and statutory rights.  
12 More specifically, the plaintiffs should be assured by the plan,  
13 inter alia:

14 a. That the prisoners be accorded essential pre-  
15 ventive medical care and receive adequate and sound medical,  
16 psychiatric and dental health care;

17 b. That prisoners addicted to controlled substances  
18 be accorded with reasonable medical care to ease the symptoms  
19 of withdrawal and not be housed with other non-addicted inmates  
20 during their period of withdrawal.

21 c. That a regular recreational and exercise program,  
22 outside of the cells, be expanded and scheduled and that all  
23 prisoners be allowed outdoors for sufficient periods to insure  
24 their continuous physical and mental well being;

25 d. That the ~~prisoners~~ prisoners living areas  
26 therein be kept in a safe and healthy condition, with proper  
27 heating, ventilation and provisions for sanitation;

28 ///

5. That the Court order CDCR to install video surveillance cameras and body-worn cameras, each with ~~and~~ audio-feed;

6. That the Court order CDCR to change the investigative and disciplinary processes at MCSP;

7. That the Court order the Defendants to draft and present to Plaintiffs for their review a plan, to wit: a new remedial plan, for achieving compliance with the Armstrong Remedial Plan (ARP), the Americans with Disabilities Act (ADA), and the Prison Rape Elimination Act (PREA) that includes the components described below. To the extent possible, Defendants shall provide

to Plaintiffs drafts of the components that must be included in the MCSP Remedial plan on a rolling basis prior to twenty-one days of the date this Order is granted;

8. Plaintiffs shall provide comments to Defendants as to the drafts within seven days of receiving them.

9. The parties shall meet and confer promptly to resolve any disagreements as to the adequacy of the MCSP Remedial plan or any of its components. Defendants shall ensure that staff with sufficient authority to amend and approve any plans, policies and procedures in the MCSP Remedial Plan attend all meet-and-confer sessions.

10. In the event that a disagreement is not resolved within forty-two days of the date this Order is granted, plaintiffs shall file objections with the Court no later than forty-nine days of the date this Order is granted in a brief of no more than ten pages; Defendants may respond to the objections within seven days thereafter in a brief of no more



1 than fifteen pages; and Plaintiffs may file a reply of no more  
 2 than five pages within four days thereafter.

3 II. Within fourteen days of reaching agreement with Plaintiffs,  
 4 or receiving this Court's order resolving any disagreements,  
 5 Defendants shall issue the MCSJ Remedial Plan in final  
 6 form and implement its provisions pursuant to the terms  
 7 described below, unless the MCSJ Remedial Plan sets a  
 8 different date for the implementation of a component of the  
 9 MCSJ Remedial Plan. a. Cameras. Within ninety days of the  
 10 finalization of the MCSJ Remedial Plan, CSJ shall install  
 11 operational surveillance cameras that cover all areas of MCSJ  
 12 to which class members have access, including, but not limited  
 13 to, all exercise yards, housing units, rally ports, dining halls,  
 14 program areas, and gyms. ~~CSJ~~ Within sixty days of the  
 15 finalization of the MCSJ Remedial Plan, CSJ must begin  
 16 using body-worn cameras for all correctional officers at  
 17 MCSJ who may have any interaction with class members. The  
 18 MCSJ Remedial Plan shall describe the steps that Defendants  
 19 will take to achieve these deadlines. b. The MCSJ Remedial  
 20 Plan must contain policies and procedures regarding the use  
 21 of body-worn cameras and the use of camera footage at  
 22 MCSJ from any type of camera, including requirements that  
 23 all footage be retained for a minimum of ninety days, that  
 24 footage of use of force and other triggering events involving  
 25 class members at MCSJ be retained indefinitely, that  
 26 footage, when available, be reviewed and considered as part  
 27 of the investigation of any incident, and that the foregoing  
 28 conform to the RJJ Remedial Plan developed in the RJJ

Remedial plan. The MCSRP Remedial plan also must contain policies and procedures for training MCSRP staff regarding how and when to use a body-worn camera and how to ensure that footage is retained and reviewed. c. Reforms to Staff Complaint, Investigation, and Discipline Process at MCSRP. CDCR must develop measures to reform the staff complaint, investigation, and discipline process, which shall be included in the MCSRP Remedial Plan, to ensure (1) that CDCR completes unbiased, comprehensive investigations into all allegations of staff misconduct violative of the rights of any class member under the MCSRP or the ADA or PREA; (2) that CDCR mandates the use of cameras to photograph any and all injuries any class member sustains as a result of staff members' misconduct; (3) that CDCR imposes appropriate and consistent discipline against employees who engage in violations of the MCSRP-RP or ADA or PREA with respect to class members at MCSRP; and (4) that employees who engage in criminal misconduct against class members at MCSRP in violation of the MCSRP-RP or ADA or PREA are appropriately investigated and, if warranted, referred for prosecution. 12. That the court order Third-Party Monitoring of Defendants' execution of the MCSRP-RP, and that the court delegates to Edward Swanson, its court expert, pursuant to Federal Rule of Evidence 706, the duties of monitoring defendants' execution of MCSRP-RP. 13. That the court order CDCR to dismiss Plaintiff's 3 ARs and restore her credits. 14. Award plaintiff's monetary damages, compensatory and punitive, in an amount to be determined at trial and 15. Grant plaintiff's such other and further relief as the court deems just and proper.